



PATENT  
Docket H 3763 PCT/JUS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : KROPF, et al.  
Appl. No. : 09/868,379  
Filed : August 15, 2001  
Title : FINE SUSPENSIONS OF POORLY SOLUBLE CALCIUM SALTS  
AND THEIR USE IN DENTAL CARE PRODUCTS  
Art Unit : 1614  
Examiner : Shep Rose

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on February 6, 2003.

February 6, 2003  
Date

Amy Alleborn  
Signature of Certifier  
Amy Alleborn  
Typed or printed name of certifier

Assistant Commissioner of Patents  
Washington, DC 20231

RESPONSE TO NON-FINAL ACTION

Applicants respond to the office action mailed December 23, 2002.

Claims 8 to 14 are pending in the application and stand rejected as anticipated under 35 U.S.C. § 102(a) by WO 99/20237 (Rudin). Applicants file with this Response a true and accurate translation of the priority application DE 198 58 662.0, filed December 18, 1998 in the German patent office, as set forth in the attached Declaration of Susan Anthony, translator. The translation establishes that applicants possessed their invention before the

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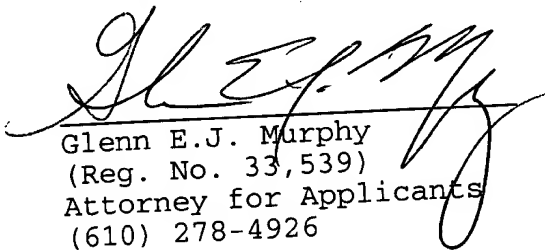
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effective date of the reference, April 29, 1999. Applicants therefore ask that the pending rejection over WO 9/20237 be withdrawn.

CONCLUSION

Applicants respectfully request entry of this response and reconsideration of the claims. Should any fees be due that have not been accounted for in order to have this paper entered and examination of the application continued, including any fees for extensions of time under 37 C.F.R. § 1.136, please charge Deposit Account No. 01-1250.

Respectfully submitted,

  
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Enclosures

1. Translation of DE 198 58 662.0 and Declaration